

21 C.J.S. Courts § 332

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Courts

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X. Clerks of Courts

B. Compensation

§ 332. Salary

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West's Key Number Digest

West's Key Number Digest, [Clerks of Courts](#)  33

Clerks of court may be paid a stipulated salary.

Under statutory or constitutional provisions in some jurisdictions, the court clerk's compensation takes the form of a salary¹ which may be payable out of official fees received by the clerk.² Where a statute sets a minimum salary for the clerk and the fees collected by the clerk do not rise to the minimum salary level, the clerk will receive supplementation to produce a total compensation equal to the minimum required by law.³ Where the fees collected by the clerk are equal to or greater than the minimum salary, the government has no responsibility to supplement fees, and the clerk is permitted to retain the fees as salary up to the maximum allowed by law.⁴ In turn, the clerk is required to account to the public treasurer for any excess of fees above the compensation and allowances authorized by law to be retained.⁵

A statute prohibiting the reduction of a court clerk's salary during the clerk's term of office includes the unexpired term, and thus, a county council does not have the authority to reduce the salary of an interim clerk appointed to fill an unexpired term after the predecessor clerk retires.⁶

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Footnotes

¹ S.C.—[Greenwood County Council v. Brooks](#), 362 S.C. 500, 608 S.E.2d 872 (2005).

- 2 Tenn.—Underwood v. Hickman, 162 Tenn. 689, 39 S.W.2d 1034 (1931).
- Ark.—Burnett v. Stephenson, 193 Ark. 383, 100 S.W.2d 256 (1936).
- Tenn.—Stone v. Halsell, 648 S.W.2d 949 (Tenn. Ct. App. 1982).
- 3 Tenn.—Stone v. Halsell, 648 S.W.2d 949 (Tenn. Ct. App. 1982).
- 4 Tenn.—Stone v. Halsell, 648 S.W.2d 949 (Tenn. Ct. App. 1982).
- 5 Fla.—Orange County v. Robinson, 111 Fla. 402, 149 So. 604 (1933).
- Tenn.—Stone v. Halsell, 648 S.W.2d 949 (Tenn. Ct. App. 1982).
- 6 S.C.—Greenwood County Council v. Brooks, 362 S.C. 500, 608 S.E.2d 872 (2005).

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